

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF RHODE ISLAND

MOUNT VERNON FIRE INSURANCE
COMPANY,

Plaintiff,

v.

ISAAC AMPONSAH; AMA AMPONSAH;
PATRICK B. TANNOUS; A2Z,
DEVELOPMENT, INC.; TCS, LLC;
GENTILI & ROSSINI ASSOCIATES,
PUBLIC INSURANCE ADJUSTERS,

Defendants.

CIVIL ACTION NO.
1:16-cv-00210-S-PAS

**AFFIDAVIT OF SCARLETT M. RAJBANSHI, ESQ. IN SUPPORT OF PLAINTIFF
MOUNT VERNON FIRE INSURANCE COMPANY'S MOTION TO ENFORCE
SETTLEMENT AGREEMENT**

I, Scarlett M. Rajbanshi, hereby depose under oath and state as follows:

1. I am an attorney at Peabody & Arnold LLP in good standing, admitted to practice before the United States District Court for the District of Rhode Island.
2. I represent the Plaintiff Mount Vernon Fire Insurance Company ("Mount Vernon") in this matter.
3. I make this Affidavit based upon my personal knowledge.
4. The Amponsahs' are represented in this matter by Attorney John Ennis.
5. The parties agreed to settle this matter, including the amount of the settlement, on November 3, 2016. (See Exhibit 1, attached hereto).

6. Also on November 3, 2016, I reported to the Court that the parties had agreed to settle this matter, and requested that the Court enter a 60-day Nisi Order while the parties finalized the settlement. See Exhibit 2, attached hereto).

7. On December 19, 2016, I sent Attorney Ennis a draft settlement agreement and release. (See Exhibit 3, attached hereto).

8. Over two months later, on or about February 28, 2017, Attorney Ennis responded with proposed changes to the draft release. I provided Attorney Ennis with Mount Vernon's feedback to those proposed changes the very next day on March 1, 2017. (See Exhibit 4, attached hereto).

9. I sent another email to Attorney Ennis on March 17, 2017 requesting a response. (See Exhibit 5). Throughout the spring and summer of 2017, I left several voicemails for, and sent several emails to, Attorney Ennis demanding that he (1) confirm that the draft release was acceptable, and (2) work to finalize the settlement. (See Exhibits 6, 7, and 8, attached hereto).

10. I received no response to the emails that I sent Attorney Ennis on June 19 and 20, 2017, June 30, 2017, and July 17 and 31, 2017.

11. During a teleconference on July 14, 2017, Attorney Ennis requested that I send him another copy of the draft settlement agreement. I complied with this request, and sent Attorney Ennis another email on August 3, 2017 demanding confirmation that the draft release was acceptable. (See Exhibit 9, attached hereto).

12. Attorney Ennis responded with additional revisions to the draft release on August 9, 2017. (See Exhibit 10, attached hereto). I made a few very minor changes to Attorney Ennis's proposed revisions that very same day, and provided Attorney Ennis with a revised copy of the draft release. (See Exhibit 11, attached hereto).

13. Having received no response to my email dated August 9, 2017, I sent Attorney Ennis another email on August 17, 2017. (See Exhibit 12, attached hereto).

14. On August 25, 2017, I sent a letter to Chief Justice William E. Smith, with a copy to Attorney Ennis, indicating that Mount Vernon would file a motion to enforce a settlement agreed to by the Amponsahs on or before September 8, 2017. (See Exhibit 13, attached hereto).

15. Since August 9, 2017, Attorney Ennis has failed to respond to multiple requests to finalize the settlement of this matter.

16. Attached hereto is a true and correct copy of the Settlement Agreement and Release of All Claims showing the agreed-upon terms of the settlement. (See Exhibit 14, attached hereto).

Signed under the pains and penalties of perjury this 8th day of September, 2017.

/s/Scarlett M. Rajbanshi
Scarlett M. Rajbanshi

CERTIFICATE OF SERVICE

I, Scarlett M. Rajbanshi, hereby certify that on this 8th day of September, 2017, served the foregoing document to all counsel of record, by causing a copy thereof, to be sent by email via the CM/ECF system to the registered participants in this case, as identified on the Service List

/s/Scarlett M. Rajbanshi
Scarlett M. Rajbanshi